

**OPINION  
43-47**

May 27, 1943 (OPINION)

DRAINS

RE: Repair of

Your inquiry of May twenty-second, relative to the drainage law enacted by the last session of the Legislature was referred to the undersigned for attention. This law which you have reference to was House Bill No. 165 and will be Chapter 118, Session Laws of 1943.

This Act was not an emergency measure and, therefore, will not become effective until July first. Under the provisions of Section 2486 of the 1925 Supplement, which is the section amended by the new law, responsibility for keeping drains open and in repair is upon the county commissioners. They must, however, where the work is in excess of \$150.00 for any one year let the matter out on contract.

I, therefore, believe that is any contract is entered into prior to the effective date of the new law, that the assessment may be made and the expense paid without regard to the amendment; that the amended act will only be applicable to work contracted for after July first.

ALVIN C. STRUTZ  
Attorney General